

REMARKS

Reconsideration of the above-identified application in view of the amendment above and the remarks below is respectfully requested.

No claims have been canceled in this paper. Claims 70 and 75 have been amended in this paper. New claims 81-83 have been added in this paper. Therefore, claims 70-83 are pending and are under active consideration.

Claims 70-76 stand rejected under 35 U.S.C. 103(a) “as being unpatentable over Shannon in view of Sorensen (see abstract and Fig. 3).” In support of the rejection, the Patent Office states the following:

Shannon discloses a container making process wherein web 46 is heat sealed via a lamination nip to web 10/12 containing receptacles 40, these being a plurality of first elements. At the exit of the process shown in Fig. 1 of Shannon, two webs are fixedly sealed together—ie, laminated—via a lamination nip to form a laminate structure wherein one web has a plurality of first elements. Essentially, the primary reference fails to disclose that the second web has a plurality of second elements that are alignable with the first elements. Sorensen discloses a container making process wherein a web 18 (similar to the second web of Shannon) has a plurality of elements (labels 19) which must be aligned to the containers 12 (similar to the first web of Shannon). It is well known in the art to provide labels on containers and it is submitted that one of ordinary skill would have found it obvious to have employed the labeled web of Sorensen as the web 46 in the primary reference to provide a labeled container. The combination would have yielded the plurality of first elements (receptacles 40 in Shannon) being alignable with the plurality of second elements (labels 19 in Sorensen).

Applicants respectfully traverse the subject rejection. Claim 70, from which claims 71-74 and 76 depend, has been amended herein and now recites “[a] method of forming a laminate structure, said method comprising the steps of:

(a) providing a first web, said first web comprising a plurality of first elements, wherein said first elements of said first web are made of a rigid material;

(b) providing a second web, said second web comprising a plurality of second elements, said second elements being alignable with said plurality of first elements, wherein said second elements of said second web are made of a rigid material;

(c) passing said first web and said second web through a lamination nip to fixedly join said first elements and second elements, whereby a laminate structure is formed.”

Support for the present amendment to claim 1 may be found in the present specification, for example, on page 18, lines 5-6 and 12; and on page 26, lines 7-10 and lines 20-22.

Claim 70 is not rendered obvious over Shannon in view of Sorensen for at least the reason that Shannon and Sorensen, whether taken individually or in combination, do not teach or suggest a method of forming a laminate structure that comprises, amongst other things, providing a first web and a second web, the first web comprising a plurality of first elements made of a **rigid** material, the second web comprising a plurality of second elements made of a **rigid** material.

Instead, Shannon relates to a method and apparatus for molding contact lenses and making their container. The Patent Office is taking the position that Shannon web 12 corresponds to the claimed first web, that Shannon receptacles 40 correspond to the plurality of first elements, and that Shannon web 46 corresponds to the claimed second web. However, Applicants note that nothing in Shannon teaches or suggest that Shannon web 46 is made of a **rigid** material. In fact, to the contrary, Shannon teaches that Shannon web 46 is a foil (see Shannon at col. 5, lines 5-6), which suggests that Shannon web 46 is a **flexible** material.

Similarly, Sorensen, which is relied upon by the Patent Office for its teaching of a strip 21 of a cover sheet 18 having a plurality of labels 19, does not teach or suggest a second web comprising a plurality of second elements made of a **rigid** material. In fact, to the contrary, Sorensen teaches that strip 21 may be a sheet of paper coated with a heat-sealable resin (see Sorensen at col. 3, lines 56-58), which suggests that Sorensen strip 21 is a **flexible** material.

Claim 75 has been rewritten herein in independent form and now recites “[a] method of forming a laminate structure, said method comprising the steps of:

- (a) providing a first web, said first web comprising a plurality of first elements;
- (b) providing a second web, said second web comprising a plurality of second elements, said second elements being alignable with said plurality of first elements, wherein each of said first web and said second web includes elements formed in an orthogonal matrix with multiple elements arrayed across the width of each web; and
- (c) passing said first web and said second web through a lamination nip to fixedly join said first elements and second elements, whereby a laminate structure is formed.”

Claim 75 is not rendered unpatentable over Shannon in view of Sorensen for at least the reason that Shannon and Sorensen, taken individually or in combination, do not teach or suggest a method of forming a laminate structure comprising, amongst other things, providing first and second webs wherein each of said first and second webs includes elements formed in an orthogonal matrix with **multiple elements arrayed across the width of each web**. Instead, as noted above, Shannon teaches a second web in the form of a unitary foil, and Sorensen teaches a second web in which labels are arranged in a single row.

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

Claims 77-80 stand rejected under 35 U.S.C. 103(a) “as being unpatentable over Shannon in view of Sorensen and Anderson III et al (see 18, 44 and 75 in Figs. 4 and 5), the references being applied for reasons of record as set forth in paragraph 1 supra and paragraph 4 of the last office action.”

Applicants respectfully traverse the subject rejection. Claims 77-80 depend from claim 70. Claim 70 is patentable over Shannon in view of Sorensen for at least the reasons given above. Anderson III et al. fails to cure all of the deficiencies of Shannon and Sorensen with respect to claim 70. Moreover, Applicants respectfully submit that one of ordinary skill in the art would not have been motivated to combine the teachings of Anderson III et al. with those of Shannon and Sorensen for at least the reason that Shannon and Sorensen relate to temporary packages for holding articles of commerce disposed therewithin (specifically contact lenses, in the case of Shannon) whereas Anderson III et al. does not relate to a temporary package for holding an article of commerce therewithin. Therefore, for at least the above reasons, claims 77-80 are patentable over Shannon in view of Sorensen and Anderson III et al.

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

New claims 81-83 have been added in this paper. No new matter is added by these claims. Claim 81, which finds support in the present specification, for example, on page 18, lines 5-12, and in original claims 7-8, depends from claim 70 and is patentable based at least on its dependency from claim 70. Claim 82, which finds support in the present specification, for example, on page 18, lines 5-7 and 12-14, depends from claim 70 and is patentable based at least on its dependency from claim 70. In addition, claim 82 is further patentable because Shannon and Sorensen teach that the second web is a flat sheet or foil. Claim 83, which finds support in the present specification, for example,

on page 18, lines 16-19, on page 19, lines 1-2, and on page 28, lines 11-14, depends from claim 82 and is patentable for at least the same reasons given above for claim 82.

It is respectfully submitted that the present application is in condition for allowance. Prompt and favorable action is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

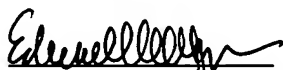
Kriegsman & Kriegsman

By: 

Edward M. Kriegsman
Reg. No. 33,529
30 Turnpike Road, Suite 9
Southborough, MA 01772
(508) 481-3500

Dated: December 8, 2008

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 8, 2008.



Edward M. Kriegsman
Reg. No. 33,529

Dated: December 8, 2008